



Town Council Agenda Report

SUBJECT: Ordinance

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT, TO RM-5, LOW MEDIUM DENSITY DWELLING DISTRICT, AND B-2, COMMUNITY BUSINESS DISTRICT, AND TO AMEND THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ZB 3-1-00 Mark Landau, petitioner/ owner - Address: 5000 SW 82nd Avenue/ Generally located on the east side of SW 82nd Avenue approximately 2000 feet south of Griffin Road.

REPORT IN BRIEF:

The attached ordinance rezones a portion of the subject site from CF, Community Facilities District to RM-5, Low Medium Dwelling District, and a portion of the subject site from CF, Community Facilities District, to B-2, Community Business District, with amended deed restrictions. The applicant has provided a declaration of restrictions which limits the residential portion of the subject site to those uses permitted within the RM-5 District, and that portion of land to be rezoned to the B-2 District for use of wetland mitigation only, and a conceptual master plan, both attached and made part of the rezoning ordinance.

PREVIOUS ACTIONS:

- The Town Council approved this item on its merits at its May 17, 2000 meeting (motion carried 4-0, Mayor Venis absent).

CONCURRENCES: None.

- The Planning and Zoning Board recommended approval subject to the voluntary declaration of restrictions, the conceptual master site plan, and replatting of the subject site, as noted in the planning report (motion carried 4-0, May 10, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve the ordinance.

Attachment(s): Ordinance, land use map, subject site map, and aerial.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT, TO RM-5, LOW MEDIUM DENSITY DWELLING DISTRICT, AND B-2, COMMUNITY BUSINESS DISTRICT, AND TO AMEND THE DECLARATION OF RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from CF, Community Facilities District, to RM-5, Low Medium Density Dwelling District; and B-2, Community Business District, with amended deed restrictions,

WHEREAS, said notice was given and publication made as required by law, and a public hearing thereunder was held on the date of the adoption of this ordinance. NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That a portion of the subject property herein after be and the same is hereby rezoned and changed from CF, Community Facilities District, to RM-5, Low Medium Density Dwelling District;

a. This portion of the subject property is described in Exhibit "A", which is attached hereto and made a part hereof.

SECTION 2. That a portion of the subject property herein after be and the same is hereby rezoned and changed from CF, Community Facilities District, to B-2, Community Business District;

a. This portion of the subject property is described in Exhibit "B", which is attached hereto and made a part hereof.

SECTION 3. That the owner has voluntarily executed a deed restriction on the properties described in Section 1 and Section 2:

a. The deed restriction is described in Exhibit "C", which is attached hereto and made a part hereof.

SECTION 4. That the owner has provided a conceptual master plan described in Exhibit "D", which is attached hereto and made a part hereof.

SECTION 5. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as R-5, Low Medium Density Dwelling District; and to show the property described in Section 2, herein, as B-2, Community Business District.

SECTION 6. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 7. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 8. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2000.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2000.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2000.

EXHIBIT "A"
To The Ordinance

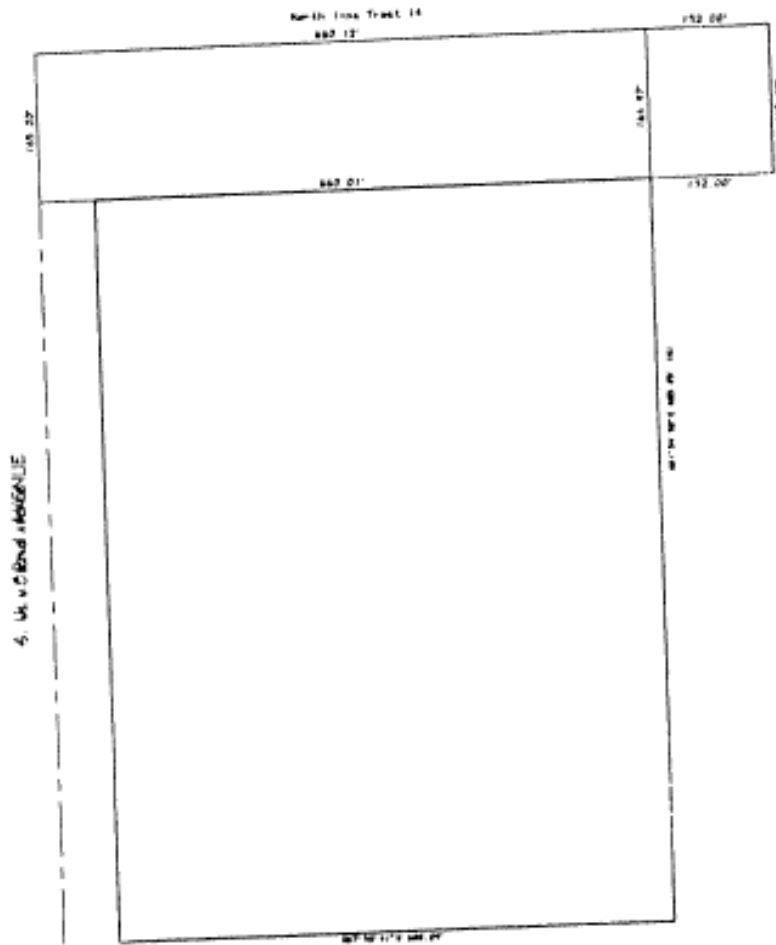
**SKETCH OF
MADISON LAKE PHASE II**



A portion of Tract 14, Section 22, Township 80 South, Range 40 East, EVERGLADES
SUGAR AND LAND COMPANY SUBDIVISION, as recorded in Plat Book 3, Page 57 of the
Public Records of Broward County, Florida, described as follows:

The West 660.12 of the North 195 feet of said Tract 14

Said lands situate, lying and being in the Town of Deer, Broward County,
Florida



THIS SKETCH DOES NOT CONSTITUTE
A FIELD SURVEY

Michael J. Hest

MICHAEL J. HEST	REGISTERED PROFESSIONAL SURVEYOR NO. 2776	STATE OF FLORIDA
JERRY J. HEST	REGISTERED LAND SURVEYOR NO. 4073	STATE OF FLORIDA

FOR P.L.R.
NO. 0105120
DATE: 07/23/00
FILENAME: ESI22-33
SCALE: 1" = 140'



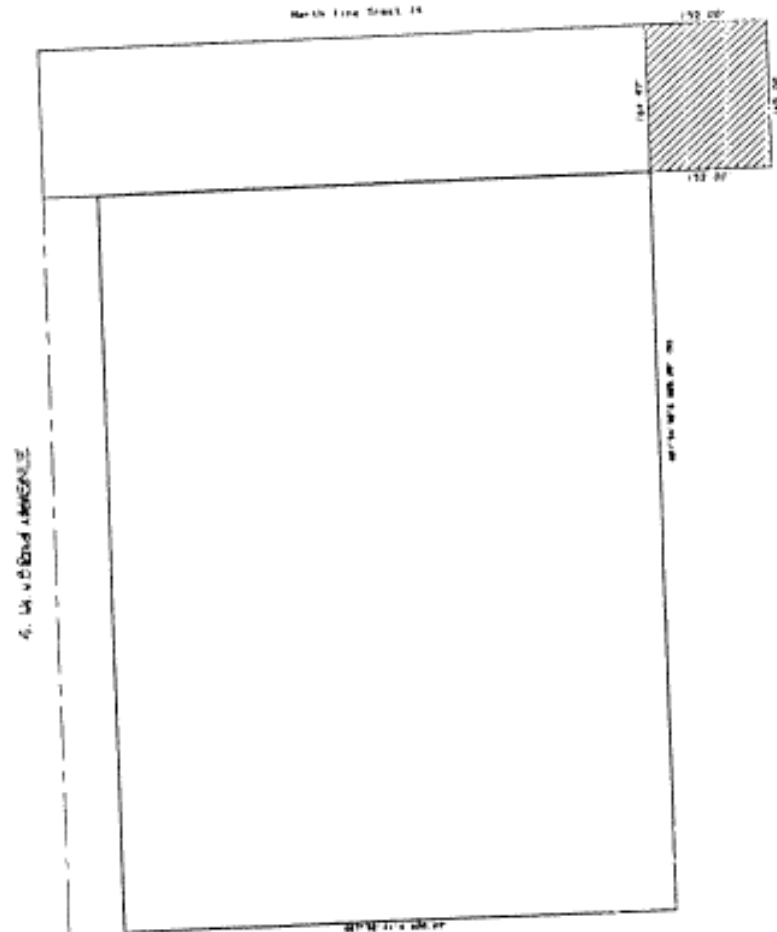
DENI ASSOCIATES

5701 PINE ISLAND ROAD, SUITE 260, TAMARAC, FL 33371 (954) 720-1040 FAX (954) 720-1045

EXHIBIT "B" (To The Ordinance)
SKETCH OF
RM-5 ZONED PARCEL



A portion of Tract 14, Section 22, Township 50 South, Range 40 East, EVERGLADES LAND SALES COMPANY SUBDIVISION, as recorded in Plat Book 3, Page 57 of the Public Records of Broward County, Florida, described as follows:
 The 132.00 feet of the North 185 feet of the North 1/2 of said Tract 14.
 Said lands situate, lying and being in the Town of Davie, Broward County, Florida.



THIS SKETCH DOES NOT CONSTITUTE
 A FIELD SURVEY

FID FLR
 NO. 0005120
 DATE 5/22/00
 FILENAME: ESL22-23
 SCALE: 1" = 140'

Michael J. Witt
 MICHAEL J. WITT — ALABAMA LAND SURVEYOR NO. 2111 STATE OF ALABAMA
 JEFFREY J. WITT — REGISTERED LAND SURVEYOR NO. 4717 STATE OF ALABAMA



DENI ASSOCIATES

5701 PINE ISLAND ROAD, SUITE 260, TAMARAC, FL 33321 (954)-720-1042 FAX (954)-720-1045

LAND SURVEYS • SUBDIVISIONS • CONSTRUCTION SURVEYS

EXHIBIT "C"

DECLARATION OF RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS that the undersigned FLR COMPANY, LLC., whose mailing address is 350 S OCEAN BLVD #1005 BOCA RATON FL 33433, being the owner(s) of that certain real property located in the Town of Davie, Broward County, Florida and described on Exhibit "A" attached hereto and made a part thereof, voluntarily makes the following Declaration of Restrictions covering the above -described property, specifying that this Declaration of Restrictions shall constitute a covenant running with the land and that this declaration shall constitute a covenant running with the land and that this declaration shall be binding upon the undersigned and upon all persons deriving or taking title through the undersigned. These restrictions, during their lifetime, shall be for the benefit for the Town of Davie, Florida.

WHEREAS, the Owner is desirous of making a binding commitment to assure that its said property shall be developed in accordance with the provisions of this Declaration.

NOW THEREFORE, in consideration of the foregoing, the Owner hereby agrees and declares as follows:

1. The Owner hereby declares and voluntarily covenants and agrees that the property described in Exhibit "A" shall be used for restricted wet land mitigation purposes only.
2. The property described in Exhibit "B" shall be restricted to those uses permitted within the RM-5, low medium dwelling district.
3. These covenants are to run with the land and shall be binding upon all parties and persons deriving or taking title through the undersigned from the date these covenants are recorded in the Public Records of Broward County, Florida. This Declaration of Restrictions may be amended or removed only the Town of Davie, Florida, by a written document of equal formality and dignity and with the approval of the undersigned or their successors in title or assigns. Any amendment to this Declaration of Restrictions or termination hereof shall be recorded in the Public Records of Broward County, Florida. Nothing herein shall prevent the declarants or their successors in title or assigns from applying to the Town of Davie, Florida, for modification of this Declaration of Restrictions or termination hereof.
4. Invalidity of any one portion of this Declaration of Restrictions or any portion of this document by judgment or court order shall in no way affect any other provisions, which shall

remain in full force and effect.

5. This declaration of Restrictions is executed for the purpose of protecting the health, safety and welfare of the citizens of the Town of Davie, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25 day of May, 2000.

Signed, sealed and delivered:

Maria G. Hall
Witness Signature

Maria G. Hall
Witness Printed Name

Michael Klein
Witness Signature

Michael Klein
Witness Printed Name

F.L.R. COMPANY I.L.C.

BY: [Signature]

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 25 day of May, 2000 by Mark Landau of F.L.R. Co. who is personally known to me or produced Fla. driver's license as identification.
LS30-540-15-2680

[Signature]
Notary Public

My Commission Expires:

JOAN A. TUZINSKI
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC94079
MY COMMISSION EXPIRES OCT. 23, 2003

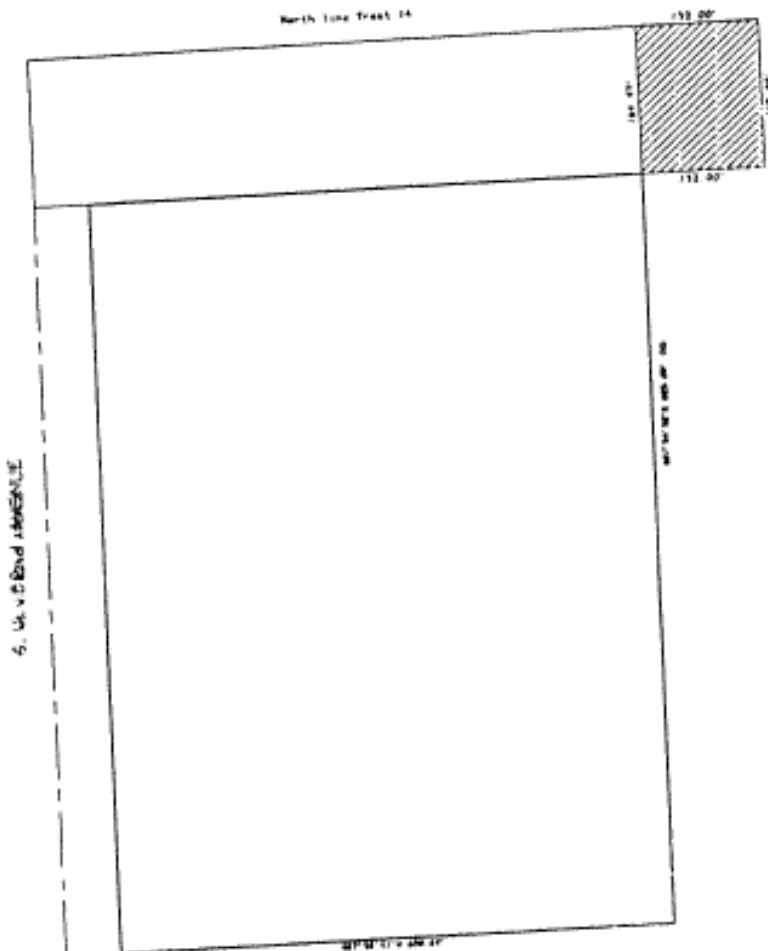
EXHIBIT "A" (To Deed Restrictions)

SKETCH UP RM-5 ZONED PARCEL

A portion of Tract 14, Section 22, Township 50 South, Range 40 East, EVERGLADES LAND SALES COMPANY SUBDIVISION, as recorded in Plat Book 3, Page 57 of the Public Records of Broward County, Florida, described as follows:

The 132.00 feet of the North 165 feet of the North 172 of said Tract 14

Said lands situate, lying and being in the Town of Davie, Broward County, Florida.



THIS SKETCH DOES NOT CONSTITUTE
A FIELD SURVEY

Michael J. Hitt

MICHAEL J. HITT
JOHN T. HITT

REGISTERED LAND SURVEYOR NO. 2775
REGISTERED LAND SURVEYOR NO. 4757

STATE OF FLORIDA
STATE OF FLORIDA

FOR FLR
NO. 0005120
DATE: 5/23/00
FILENAME: ESL22-33
SCALE: 1" = 140'



DENI ASSOCIATES

5701 PINE ISLAND ROAD, SUITE 200, TAMARAC, FL 33321 (954)-720-1042 FAX (954)-720-1045

EXHIBIT "B"

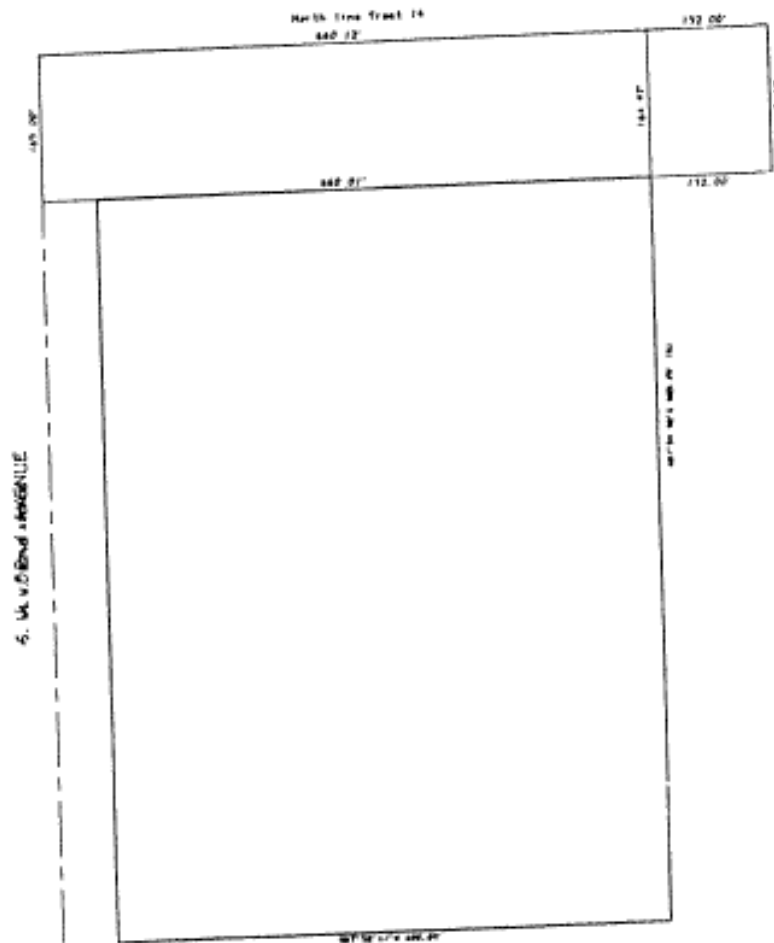
(To Deed Restrictions)

SKETCH OF MADISON LAKE PHASE II

A portion of Tract 14, Section 22, Township 30 South, Range 40 East, EVERGLADES
SLUG AND LAND COMPANY SUBDIVISION, as recorded in Plat Book 1, Page 57 of the
Public Records of Broward County, Florida. Described as follows:

The West 660.12 of the North 165 Feet of said Tract 14

Said lands situate, lying and being in the Town of Davie, Broward County,
Florida



THIS SKETCH DOES NOT CONSTITUTE
A FIELD SURVEY

Michael J. Hoot

REGISTERED PROFESSIONAL SURVEYOR NO. 2771 STATE OF FLORIDA
REGISTERED LAND SURVEYOR NO. 4317 STATE OF FLORIDA

FOR: FLR
NO: 0005120
DATE: 5/23/00
FILE NAME: ESL22-3"
SCALE: 1" = 140'

PROPOSED GREEN AREA

138' 6" 49' 0" 49' 0"

825' 0"

WEST 1/2 WEST 1/2 TRACT 10 TRACT 22

N



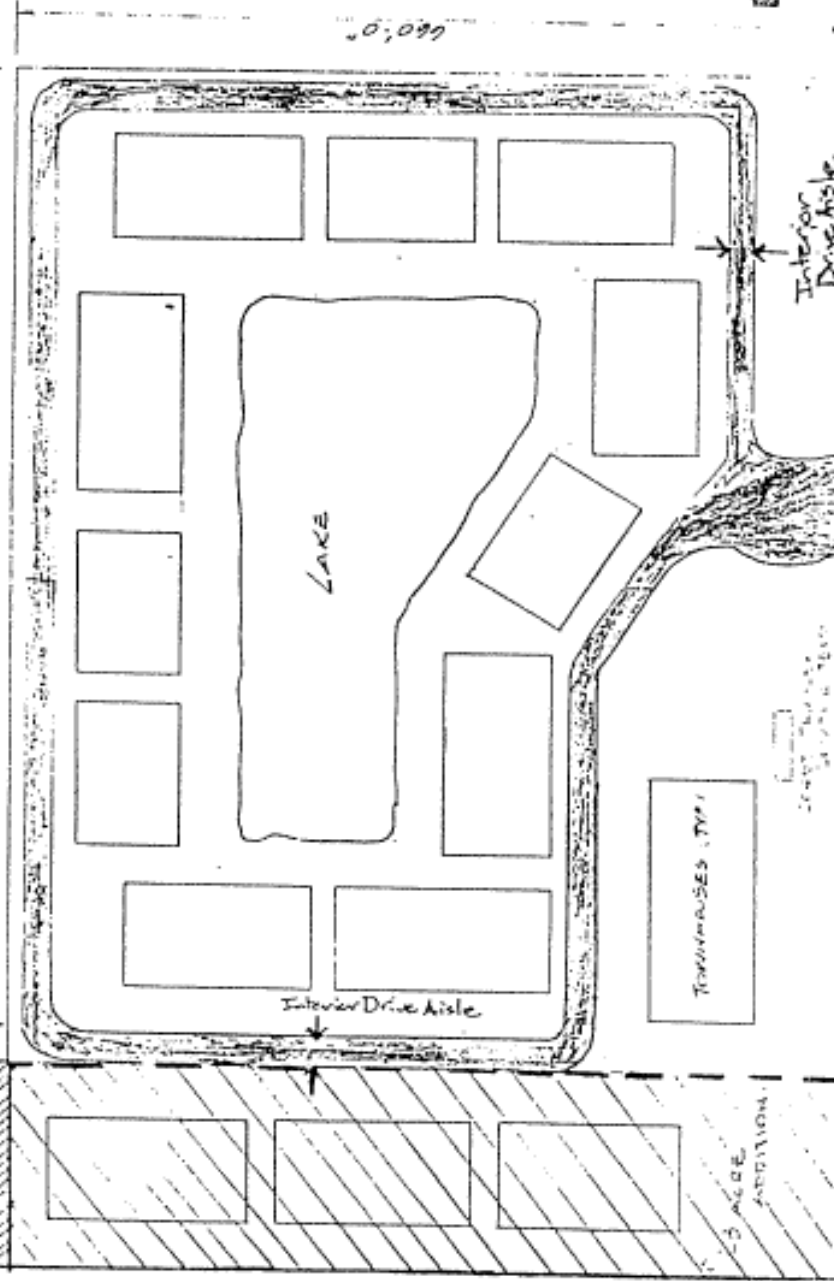
EXHIBIT "D"

TO THE ORDINANCES

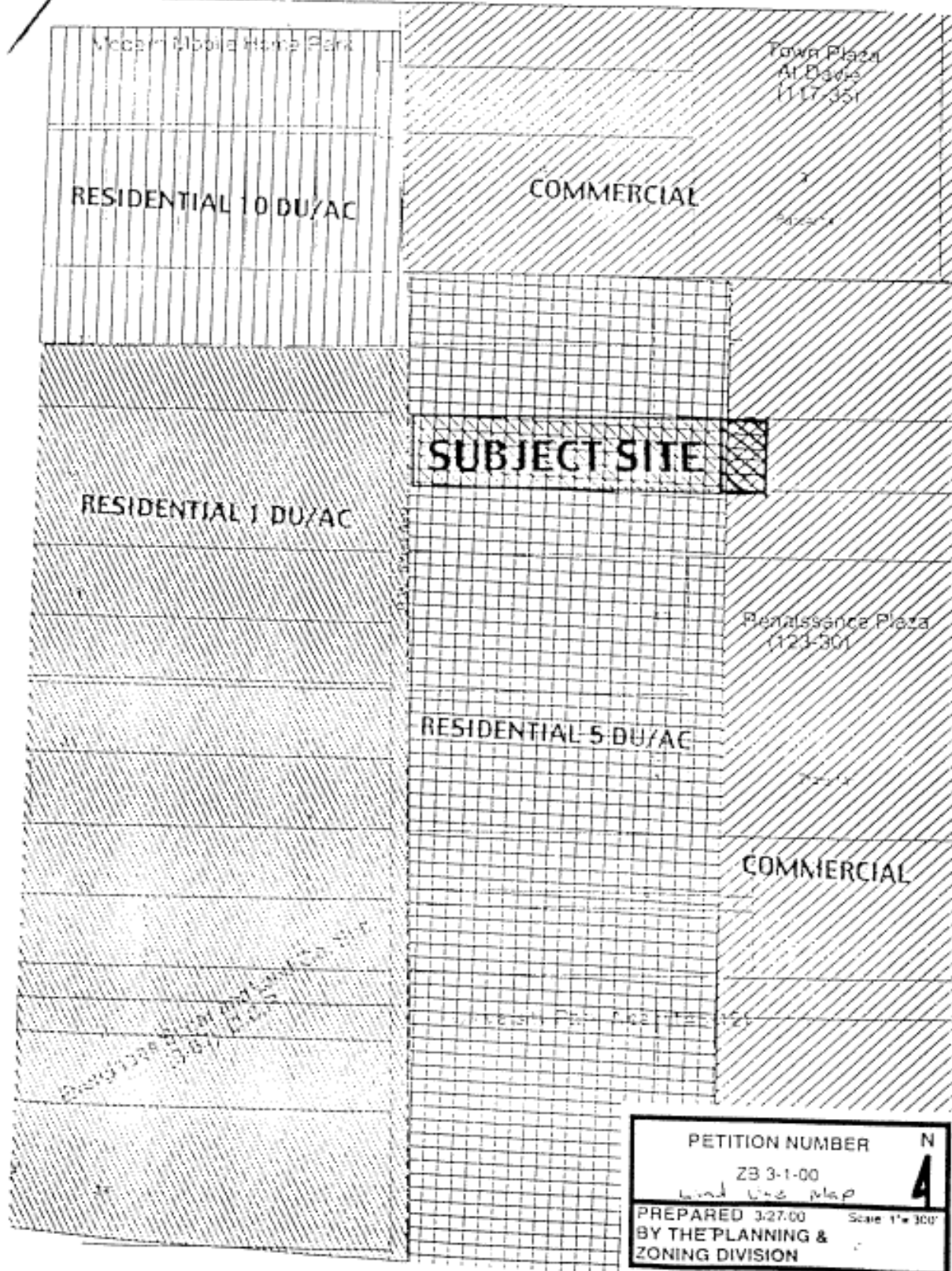
MADISON LAKES DEV
BELOW SHOWING THE
PROPOSED 3 ACRE
ADDITION

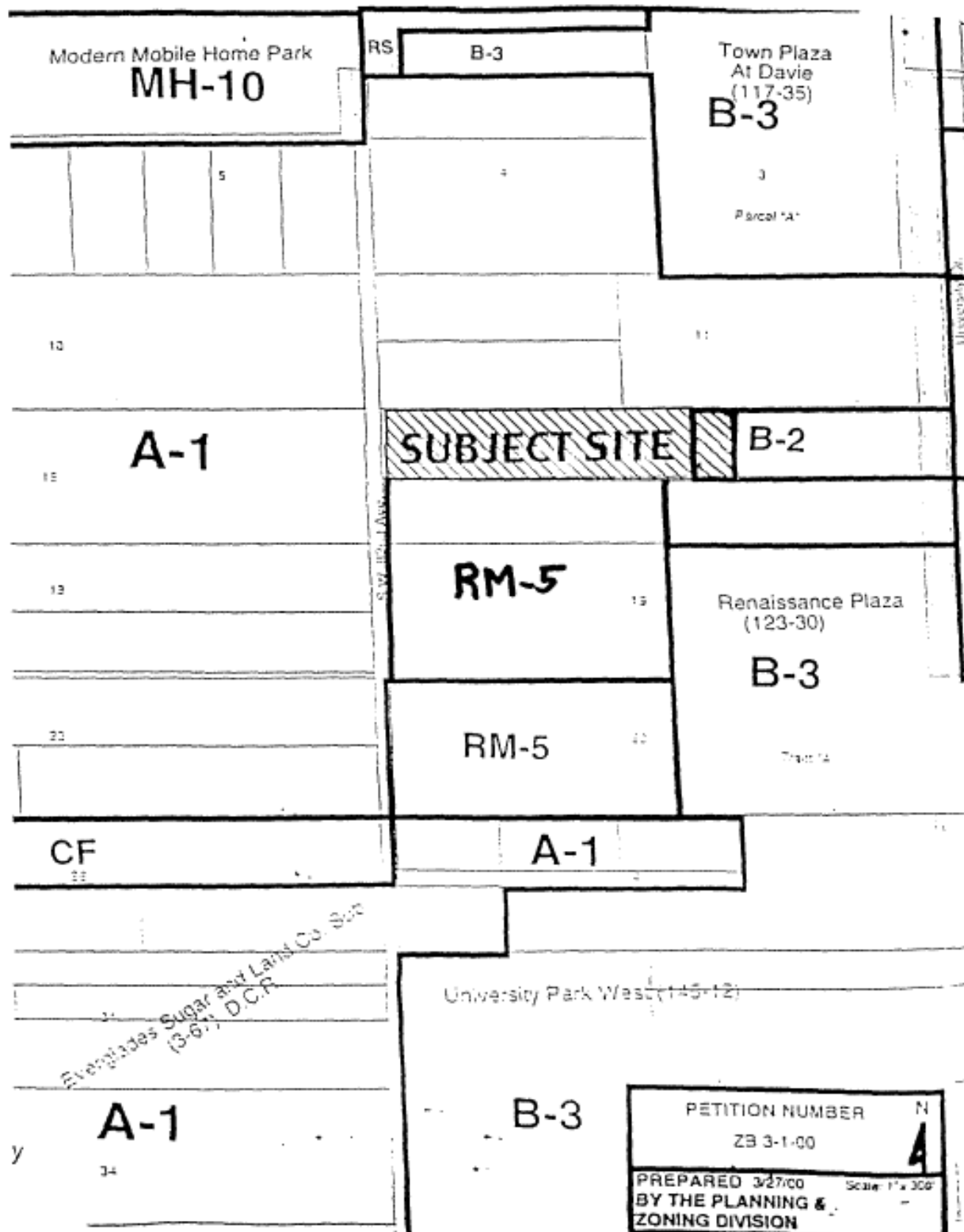
Legend

- 5 acres currently land used commercial to be returned to B-2 and restricted to wetland mitigation only
- 2.5 acres land used residential (RM-1) to be returned to RM-1
- Existing Madison Lake
- Townhome Development



N.W. 23rd Ave.





PETITION NUMBER	N
ZB 3-1-00	4
PREPARED 3/27/00 BY THE PLANNING & ZONING DIVISION	

Scale: 1" = 300'

